

MAR 21 2007

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial Number: 10/724,305

Filed Date: November 29, 2003

Current Named Inventor: Javier E. Castaneda

Assignee: Depuy Products, Inc.

Attorney Docket: HAN-027

Client Docket: DEP5687USCIP3

Title: Bone Fracture Fixation System With Subchondral Support (as amended)

Honorable Commissioner for Patents  
Alexandria, VA 22313

Sir:

PETITION TO CORRECT INVENTORSHIP

The Commissioner is hereby petitioned to correct inventorship in the above-referenced case.

- 1) Please add Jorge L. Orbay as an inventor.
- 2) A statement from Jorge L. Orbay is provided herewith.
- 3) A new declaration of the inventors is provided herewith.
- 4) Please charge the processing fee set forth in 37 CFR 1.17(i) (\$130) to correct inventorship to deposit account 07-1732.
- 5) The written consent of the assignee is provided.

Respectfully submitted,



David S. Jacobson

Gordon & Jacobson, P.C.  
60 Long Ridge Road  
Suite 407  
Stamford, CT 06902  
(203) 323-1800

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Alexandria, VA 22313

Sir:

STATEMENT OF JORGE L. ORBAY UNDER 37 CFR 1.48(c)

I declare that:

(a) I have reviewed and understand the contents of U.S. Serial No. 10/724,305 including new claims 33-54. The new claims necessitated the addition of me, Jorge L. Orbay, as an inventor of the patent application. I believe that I am a joint inventor of the subject matter which is now claimed in the patent application.

(b) The inventorship error of failing to include me, Jorge L. Orbay, as an inventor of the patent application occurred without any deceptive intention on my part.

(c) I acknowledge the duty to disclose information which is material to the examination of the application in accordance with 37 CFR 1.56(a).

(d) I hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Joint Inventor to be added

Signature: \_\_\_\_\_

Full Name: Jorge L. Orbay

Residence: 89 Leucadendra Drive, Coral Gables, FL 33156

Citizenship: US

P.O. Address: same as residence

Date: 3/21/07

MAR-21-2007 10:10 From: HI MARKETING DEPT

**RECEIVED**  
**CENTRAL FAX CENTER****MAR 21 2007**HAN-027/  
DEP5687USCIP3**DECLARATION FOR PATENT APPLICATION AND POWER OF ATTORNEY**

As below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name, and

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed for and for which a patent is sought on the invention entitled

**Bone Fracture Fixation System With Subchondral Support (as amended)**

the specification of which

☐ is attached hereto.

☒ was filed on: November 29, 2003

as application Serial Number: 10/724,305

and was amended on (if applicable):

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, Section 1.56(a).

I hereby claim foreign priority benefits under Title 35, United States Code, Section 119 (a)-(d) or Section 365(b) of any foreign application(s) for patent or inventor's certificate, or Section 365(a) of any PCT International application which designated at least one country other than the United States, listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Serial No.	Country	Filing Date (D/M/YR)	Priority Claimed?
			<input type="checkbox"/> YES <input type="checkbox"/> NO
			<input type="checkbox"/> YES <input type="checkbox"/> NO

I hereby claim the benefit under Title 35, United States Code, Section 119(e) of any United States provisional application listed below:

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**MAR 21 2007**HAN-027/  
DEP5687USCIP3

Application Ser. No.	Filing Date

I hereby claim the benefit under Title 35, United States Code, Section 120 of any United States application(s), or Section 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, Section 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

Application Ser. No.	Filing Date	Status (patented, pending, abandoned)
10/689,797	Oct. 21, 2003	Pending
10/664,371	Sept. 17, 2003	Pending
10/401,089	March 27, 2003	Patented as U.S. Patent No. 6,866,665

As a named inventor, I hereby appoint all attorneys at **Customer No. 36822** including the following attorneys to prosecute this application and transact all business in the Patent and Trademark Office connected therewith:

David P. Gordon (29,996)  
David S. Jacobson (39,235)Jay P. Sbrullini (36,266)  
Thomas A. Gallagher (31,358)Address all telephone calls to:  
Address all correspondence to:David S. Jacobson at (203) 323-1800  
Gordon & Jacobson, P.C. (**Customer No. 36,822**)  
60 Long Ridge Road  
Suite 407  
Stamford, Connecticut 06902

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

**SOLE OR FIRST INVENTOR**Signature: Date Mar-21-07Full Name: Javier E. CastanedaResidence: 9520 SW 117th Court, Miami, FL 33186Citizenship: USP.O. Address: same as residence

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HAN-027/  
DEP5687USCIP3

SECOND INVENTOR

Signature: \_\_\_\_\_

Date 3/21/07

Full Name: Jorge L. Orbay

Residence: 89 Leucadendra Drive, Coral Gables, FL 33156

Citizenship: US

P.O. Address: same as residence

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Alexandria, VA 22313

Sir:


STATEMENT UNDER 3.73(b)

DePuy Products, Inc. states that it is the assignee of all right, title and interest in the above-identified patent application. Hand Innovations, Inc. was assigned by the entire, right, title and interest in and to invention by Javier Castaneda in the above patent application by virtue of an assignment recorded at Reel 014755, Frame 0614. Subsequent to such assignment, Hand Innovations, LLC assumed all rights, title and interest in Hand Innovations, Inc., including all intellectual property thereof. Thereafter, on January 13, 2006, DePuy Products, Inc. acquired all the rights, title and interest of Hand Innovations, LLC, including all rights, title and interest in the above-referenced patent application.

The undersigned is authorized to act on behalf of DePuy Products, Inc. and hereby provides consent to the addition of Jorge Orbay as an inventor in the case.



Name: Stephen J. Manich  
Title: Assistant Secretary  
Depuy Products, Inc.



Date